

REMARKS

Claims 1-7, 9-18 and 20-36 are currently pending in the subject application and are presently under consideration. Claims 1, 10, 18, 27 and 33 have been amended as shown on pp. 2-7 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-7, 9-18 and 20-36 Under 35 U.S.C. §103(a)

Claims 1-7, 9-18 and 20-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano (US Patent 5,671,412) in view of Markwitz *et al.* (US Patent 6,834,259). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Christiano and Markwitz *et al.*, individually or in combination, do not teach or suggest each and every element as set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an un rebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed invention relates to a license enforcement system and methodology. The system comprises a monitoring component for monitoring use of licensed software applications and detecting variations from their respective licensing agreements in real-time. The system also comprises an enforcement component for initiating corrective actions to force users to comply with licensing agreements or deny the user access to the licensed software. More particularly, independent claim 1 recites a system for enforcing, adding and transferring licenses to a computer system, comprising: *a license store that stores licenses and associated data; a wizard component; a license database interface component coupled to the wizard*

component, that communicates with a license database to provide access to the license database activation codes, ...; a monitoring component that monitors and manages valid licenses stored in the license store, the monitoring component utilizes license data from the license store to determine compliance with end user license agreements in real-time and supports a plurality of licensing schemes; an enforcement component that ensures compliance with licensing agreements by taking corrective actions; and a validation component that provides periodic validity checks on the license store to ensure that the license data has not been corrupted.

Christiano and Markwitz *et al.*, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Christiano discloses a software license management system. A license server provides packages and program licenses and allows several license modifiers to be stored in license records to provide a licensor with a variety of options and flexibility. A server address finder and diagnostic function mitigate common license server network problems. (*See* col. 3, lines 12-20). The license server provides licenses from the license data base to client computer systems to allow the client computer systems to use licensed software products. A request is received from a client by the server. A license is granted to the client when the client is allowed to receive the license according to a license policy. The license allows the client to use the requested software product. (*See* col. 4, lines 12-34).

In contrast, Applicants' claimed invention discloses a license enforcement system. The system includes a license store that acts as a storage repository for licenses and associated data such as the number of licenses and the type (*e.g.*, perpetual or time based, per device, per user...). Further, a monitoring component utilizes license data from the license store to determine compliance with end user licensing agreements (EULAs) in real-time. The monitoring component monitors and manages the number of valid licenses stored in license store and the number of licenses used. The monitoring component can then notify the enforcement system if there is any discrepancy. Furthermore, the monitoring component can support a plurality of licensing schemes including be not limited to user-based licensing and device-based licensing.

The system also includes an enforcement component that ensures compliance with licensing agreements by taking a variety of corrective actions such as notification of violations and shutting down all or part of an application associated with the license. For example, the

enforcement component could issue warnings at periodic intervals to a user or network administrator. Additionally or alternatively, enforcement component could shut down particular applications or systems that are being utilized in violation of a licensing agreement.

Finally, the system includes a validation component that can provide periodic (*e.g.*, daily, after restoring licenses from back-up...) validity checks on the license store to ensure that data has not been tampered with by malicious individuals or otherwise corrupted. The validations can be accomplished by retrieving a license key and hardware ID from a backup store. Retrieved license keys and hardware ID values can then be compared with the values in the license store. However, it should be noted that when checking the hardware ID against previously stored value, a tolerance should be allotted to account for minor changes in the hardware resulting from system upgrades, for instance. Alternative means can also be employed to validate data in the data store including by not limited to correctly decrypting encrypted data, employing a checksum, and the like. If data in the store is determined invalid, the validation component can subsequently attempt to delete the store. (*See pg. 7, line 25-pg. 9, line 22*).

Whereas, Christiano merely discloses a license system that provides packages and program licenses and allows several license modifiers to be stored in license records to provide a licensor with a variety of options and flexibility. Accordingly, Christiano is silent with regard to a licensing system that comprises ...*a monitoring component that monitors and manages valid licenses stored in the license store, the monitoring component utilizes license data from the license store to determine compliance with end user license agreements in real-time and supports a plurality of licensing schemes; an enforcement component that ensures compliance with licensing agreements by taking corrective actions; and a validation component that provides periodic validity checks on the license store to ensure that the license data has not been corrupted.*

Markwitz *et al.* does not make up for the aforementioned deficiencies of Christiano with respect to independent claim 1 (which claims 2-9 depend there from). Markwitz *et al.* discloses a guard tour system comprised of a central computer which runs a computer program that enables a variety of electronic hardware components to function. As a guard progresses through a guard tour, he uses a touch button reader to read information stored within a plurality of touch memory buttons located along the patrol route. At the end of the patrol, the guard places the touch button reader in a down-loader that transfers the stored data to the central computer which

processes the data and generates reports summarizing the patrol data. (See col. 1, lines 57-col. 2, lines 50). Furthermore, a software wizard for adding devices can be used to assist with this process. (See col. 9, lines 53-67).

In contrast, applicants' claimed invention discloses a wizard component that provides a graphical user interface to facilitate communication between a license store and a license database. The wizard component receives an activation code entered by a user to activate a license component. Markwitz *et al.* merely discloses a software wizard that assists users in installing hardware. Accordingly, Markwitz *et al.* is silent with regard to ***a wizard component that receives an activation code entered by a user to activate a license component.***

Thus, the combination of Christiano and Markwitz *et al.* does not teach the claimed invention. Specifically, the addition of a wizard and graphical interface for a license manager does not read on the presently claimed system for enforcing, adding and transferring licenses. Christiano does not disclose a monitoring component that monitors and manages valid licenses stored in the license store; an enforcement component that ensures compliance with licensing agreements by taking corrective actions; and a validation component that provides periodic validity checks on the license store to ensure that the license data has not been corrupted, as presently claimed in applicants' claim 1, and Markwitz *et al.* does not cure the defects of Christiano.

Furthermore, independent claim 18 recites a method for enforcing and adding licenses to a computer system using a series of interactive display screens, comprising, *accepting a license agreement by selecting a button indicating acceptance of the agreement; indicating a method of contacting a license database; providing a license code identifying a particular license component; receiving an activation code from the license database, wherein the activation code is provided to a license component to activate the license component which then installs digital licenses to the computer system; monitoring and managing valid licenses stored in a license store in real-time; enforcing compliance with licensing agreements by taking corrective actions; and providing periodic validity checks on the license store to ensure that the license data has not been corrupted.*

As stated *supra*, the combination of Christiano and Markwitz *et al.* does not teach the claimed invention. Specifically, the addition of a wizard and graphical interface for a license manager does not read on the presently claimed method for enforcing and adding licenses.

Neither Christiano nor Markwitz *et al.* disclose a method for enforcing and adding licenses to a computer using a series of interactive display screens, wherein a license agreement is accepted by selecting a button indicating acceptance of the agreement, and wherein licenses are monitored and managed in real-time; enforced by taking corrective actions; and validated by periodic validity checks on the license store, as presently claimed in applicants' claim 18.

Accordingly, both Christiano and Markwitz *et al.* are silent with regard to a method for adding licenses to a computer using a series of interactive display screens, wherein the method includes, ***...monitoring and managing valid licenses stored in a license store in real-time; enforcing compliance with licensing agreements by taking corrective actions; and providing periodic validity checks on the license store to ensure that the license data has not been corrupted.***

Furthermore, independent claims 10, 27 and 33 recite a system and method for enforcing, backing up and restoring licenses using an interactive wizard, comprising ***a license store that stores licenses and associated data; a wizard component; and a backup storage interface component, ...; a monitoring component that monitors and manages valid licenses stored in the license store, the monitoring component utilizes license data from the license store to determine compliance with end user license agreements in real-time and supports a plurality of licensing schemes; an enforcement component that ensures compliance with licensing agreements by taking corrective actions; and a validation component that provides periodic validity checks on the license store to ensure that the license data has not been corrupted.***

As stated *supra*, the combination of Christiano and Markwitz *et al.* does not teach the claimed invention. Specifically, the addition of a wizard and graphical interface for a license manager does not read on the presently claimed system and method for enforcing, backing up and restoring licenses. Neither Christiano nor Markwitz *et al.* disclose a system and method for enforcing, backing up and restoring licenses using an interactive wizard, as presently claimed in applicants' claims 10, 27 and 33. The wizard component guides a user through a process of backing-up and/or restoring licenses. Specifically, the wizard component interfaces with the license store, and other computer hardware and software components to enable an end-user to easily add and activate a license using a straightforward step-by-step process. Furthermore, a monitoring component monitors and manages valid licenses stored in a license store; an enforcement component ensures compliance with licensing agreements by taking corrective

actions; and a validation component provides periodic validity checks on the license store to ensure that the license data has not been corrupted.

Accordingly, both Christiano and Markwitz *et al.* are silent with regard to *a system and method for enforcing, backing up and restoring licenses;...wherein a monitoring component monitors and manages valid licenses stored in a license store, the monitoring component utilizes license data from the license store to determine compliance with end user license agreements in real-time and supports a plurality of licensing schemes; an enforcement component ensures compliance with licensing agreements by taking corrective actions; and a validation component provides periodic validity checks on the license store to ensure that the license data has not been corrupted.*

Thus, there is no motivation to combine Markwitz *et al.* and Christiano, as the addition of Markwitz *et al.* does not solve the deficiencies of Christiano. In view of the aforementioned deficiencies of Christiano and Markwitz *et al.*, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1, 10, 18, 27 and 33 (which claims 2-7, 9, 11-17, 20-26, 28-32 and 34-36 depend respectively there from).

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP497US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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